

Residential Tenancies
Policy & Strategy, NSW Fair Trading
Better Regulation Division
Department of Customer Service
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 150

Dear officer,

Improving NSW rental laws | Submission

I write in support of the proposed changes to NSW residential tenancy laws, that are generally intended to improve protections for renters.

Comments in response to the discussion paper are:

- In relation to terminations for rolling leases, I support the ACT model. In reality, many leases become rolling leases and they are effectively the default. Landlords must appreciate that they are providing a person or family's permanent place of residence, and this comes with responsibilities. There should essentially be no difference between during a lease period or a rolling lease.
- In relation to notice periods, I consider two months to be appropriate. If there are exceptional circumstances, a case ought to have to be made to a tribunal and the termination should not be allowed to be enacted until suitable alternative accommodation has been secured, such as with the assistance of the landlord.
- Evidence in support of evictions should be required if there is a dispute, in which case mediation should be required and the evidence should be presented at mediation.
- It should be an offence, potentially even a criminal offence, to rent a property out again if that contradicts a reason for eviction. That measure should probably be limited to where there is an agreement reached at mediation.
- I support measures to improve the security of handling of personal information. As a general observation, the use of formal and centralised procedures and system should be preferred over informal and localised systems.
- I support measures to prohibit systems that allow landlords to report tenants to a database that blacklists them. The threat of using such a system is too open to abuse, and can be used against tenants who merely assert their lawful rights.

- I support measures to make bond reclamation processes easier and more transparent. There need to be systematic ways of defining and identifying property damage, with the onus of proof to be on the landlord. The use of mediation for disputes would be appropriate.
- I support all of proposed measures to limit rent increases.

The rental market should not be treated like other markets such as food markets. For renters, the property they are renting is their permanent place of residence, and in a rental market like Sydney there is insufficient availability for it to be assumed that the renters can simply find another housing product. Renting a property should be considered to be the exercise of a privilege that carries limits and responsibilities. That is even more so the case given the ability to claim losses and expenses against other sources of income as part of an overall tax strategy, which may allow landlords in some cases to evict renters where the landlord is happy to incur a loss for broader tax reasons. Strong rental laws may help to counter that tendency.

Yours faithfully,